

## ***FWP COMMISSION AGENDA ITEM COVER SHEET***

**Meeting Date:** April 14, 2011

**Agenda Item:** Brush Lake Administrative Rule

**Division:** Law Enforcement

**Action Needed:** Final Adoption of Rule

**Time Needed on Agenda for this Presentation:** 10 minutes

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### **Background**

Located 31 miles southeast of Plentywood, Brush Lake has been a long time recreational area for motorized watercraft and other water-based activities. In 2006, Brush Lake State Park was established, and a day-use area was developed at the north-end of the lake. A campground is to be constructed in the summer of 2011. The Park's day-use/picnic area includes a boat ramp and dock, along with an approx 100-foot by 9-foot "no boats"/swimming area. As anticipated, with the presence of the concrete boat ramp and a quality dock, the amount of motorized boat traffic noticeably increased, causing periodic congestion in the area of the ramp, dock and swimming area. Both the Region 6 Law Enforcement and Parks Division staff commonly witness motorboats speeding and recklessness causing a hazardous setting in the area of the boat ramp, dock and swimming area. In 2007, regulatory buoys were placed in this area. In turn, during the past three summers, citations and written & verbal courtesy citations were written under the reckless operation statute, along with violations of the state-wide PWC "No Wake" rule. It is proposed to require all motorized watercraft to travel at "no wake speed" in the area of the boat ramp & dock and the "no boats"/swimming area as buoyed. (See enclosed diagram.)

### **Public Involvement Process & Results**

The commission approved proposing language for an administrative rule at the January 13, 2011 meeting. Notice was published in the Montana Administrative Register, Fish, Wildlife and Parks' website, and sent to interested persons as required in the Montana Administrative Procedures Act. A public meeting was held on February 23rd in Helena but nobody attended. No public comment was received during the public comment period.

### **Alternatives and Analysis**

- Adopt the proposed rule language to address the unsafe environment caused by the concentration of watercraft and swimmers on the water in the vicinity of Brush Lake State Park day-use area.
- Don't adopt the proposed rule language leaving the area unrestricted and without an enforceable rule.

### **Agency Recommendation & Rationale**

The department recommends adopting the proposed rule language.

### **Proposed Motion**

I move the commission adopt the proposed rule language establishing a controlled no wake speed surrounding the Brush Lake State Park boat ramp, dock, and swimming area as buoyed.